

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACCELECARE WOUND CENTERS, INC., :

Plaintiff, :

-v-

THE BANK OF NEW YORK, AMICUS HYPERBARIC :
GROUP, LLC, AMICUS MEDICAL GROUP, LLC, :
AMICUS WEST TEXAS HYPERBARIC L.P., :
AMICUS TEXAS HYPERBARIC, LP, AMICUS :
ARIZONA HYPERBARIS, L.P., AMICUS SOUTH :
TEXAS HYPERBARIC, LP, AMICUS VALLEY :
HYPERBARIC, LP, and JOHN R. HEDRICK, :
Defendants. :

USDC SDNY
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-----X : 08 Civ. 8351 (DLC)

ORDER

DENISE COTE, District Judge:

On January 23, 2009, plaintiff Accelecare Wound Centers, Inc. filed a motion to dismiss counterclaims filed on behalf of defendants John R. Hedrick, Amicus Hyperbaric Group LLC and six of its affiliates, as well as five additional parties. Plaintiff joined a motion to strike allegations contained in the counterclaim to its motion to dismiss, pursuant to Rule 12(g), Fed. R. Civ. P. On January 30, plaintiff moved for sanctions pursuant to Rule 11(c)(2), Fed. R. Civ. P., alleging that defendants' counterclaims against three of plaintiff's individual officers and directors are frivolous. It is hereby ORDERED that plaintiff's motion for sanctions is denied without prejudice to re-filing following a decision on

plaintiff's motion to dismiss.

SO ORDERED:

Dated: New York, New York
February 2, 2009

Denise Cote
DENISE COTE
United States District Judge